



Rep. Thomas Holbrook

Filed: 4/8/2005

09400HB2250ham001

LRB094 03244 RSP 44686 a

1 AMENDMENT TO HOUSE BILL 2250

2 AMENDMENT NO. _____. Amend House Bill 2250 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Emergency Management Act is
5 amended by changing Sections 4 and 5 as follows:

6 (20 ILCS 3305/4) (from Ch. 127, par. 1054)

7 Sec. 4. Definitions. As used in this Act, unless the
8 context clearly indicates otherwise, the following words and
9 terms have the meanings ascribed to them in this Section:

10 "Coordinator" means the staff assistant to the principal
11 executive officer of a political subdivision with the duty of
12 coordinating the emergency management programs of that
13 political subdivision.

14 "Disaster" means an occurrence or threat of widespread or
15 severe damage, injury or loss of life or property resulting
16 from any natural or technological cause, including but not
17 limited to fire, flood, earthquake, wind, storm, hazardous
18 materials spill or other water contamination requiring
19 emergency action to avert danger or damage, epidemic, air
20 contamination, blight, extended periods of severe and
21 inclement weather, drought, infestation, critical shortages of
22 essential fuels and energy, explosion, riot, hostile military
23 or paramilitary action, public health emergencies, or acts of
24 domestic terrorism.

1 "Emergency Management" means the efforts of the State and
2 the political subdivisions to develop, plan, analyze, conduct,
3 provide, implement and maintain programs for disaster
4 mitigation, preparedness, response and recovery.

5 "Emergency Services and Disaster Agency" means the agency
6 by this name, by the name Emergency Management Agency, or by
7 any other name that is established by ordinance within a
8 political subdivision to coordinate the emergency management
9 program within that political subdivision and with private
10 organizations, other political subdivisions, the State and
11 federal governments.

12 "Emergency Operations Plan" means the written plan of the
13 State and political subdivisions describing the organization,
14 mission, and functions of the government and supporting
15 services for responding to and recovering from disasters.

16 "Emergency Services" means the coordination of functions
17 by the State and its political subdivision, other than
18 functions for which military forces are primarily responsible,
19 as may be necessary or proper to prevent, minimize, repair, and
20 alleviate injury and damage resulting from any natural or
21 technological causes. These functions include, without
22 limitation, fire fighting services, police services, emergency
23 aviation services, medical and health services, HazMat and
24 technical rescue teams, rescue, engineering, warning services,
25 communications, radiological, chemical and other special
26 weapons defense, evacuation of persons from stricken or
27 threatened areas, emergency assigned functions of plant
28 protection, temporary restoration of public utility services
29 and other functions related to civilian protection, together
30 with all other activities necessary or incidental to protecting
31 life or property.

32 "Exercise" means a planned event realistically simulating
33 a disaster, conducted for the purpose of evaluating the
34 political subdivision's coordinated emergency management

1 capabilities, including, but not limited to, testing the
2 emergency operations plan.

3 "HazMat team" means a career or volunteer mobile support
4 team that has been authorized by a unit of local government to
5 respond to hazardous materials emergencies and that is
6 primarily designed for emergency response to chemical or
7 biological terrorism, radiological emergencies, hazardous
8 material spills, releases, or fires, or other contamination
9 events.

10 "Illinois Emergency Management Agency" means the agency
11 established by this Act within the executive branch of State
12 Government responsible for coordination of the overall
13 emergency management program of the State and with private
14 organizations, political subdivisions, and the federal
15 government. Illinois Emergency Management Agency also means
16 the State Emergency Response Commission responsible for the
17 implementation of Title III of the Superfund Amendments and
18 Reauthorization Act of 1986.

19 "Mobile Support Team" means a group of individuals
20 designated as a team by the Governor or Director to train prior
21 to and to be dispatched, if the Governor or the Director so
22 determines, to aid and reinforce the State and political
23 subdivision emergency management efforts in response to a
24 disaster.

25 "Municipality" means any city, village, and incorporated
26 town.

27 "Political Subdivision" means any county, city, village,
28 or incorporated town or township if the township is in a county
29 having a population of more than 2,000,000.

30 "Principal Executive Officer" means chair of the county
31 board, supervisor of a township if the township is in a county
32 having a population of more than 2,000,000, mayor of a city or
33 incorporated town, president of a village, or in their absence
34 or disability, the interim successor as established under

1 Section 7 of the Emergency Interim Executive Succession Act.

2 "Public health emergency" means an occurrence or imminent
3 threat of an illness or health condition that:

4 (a) is believed to be caused by any of the following:

5 (i) bioterrorism;

6 (ii) the appearance of a novel or previously
7 controlled or eradicated infectious agent or
8 biological toxin;

9 (iii) a natural disaster;

10 (iv) a chemical attack or accidental release; or

11 (v) a nuclear attack or accident; and

12 (b) poses a high probability of any of the following
13 harms:

14 (i) a large number of deaths in the affected
15 population;

16 (ii) a large number of serious or long-term
17 disabilities in the affected population; or

18 (iii) widespread exposure to an infectious or
19 toxic agent that poses a significant risk of
20 substantial future harm to a large number of people in
21 the affected population.

22 "Technical rescue team" means a career or volunteer mobile
23 support team that has been authorized by a unit of local
24 government to respond to building collapse, high angle rescue,
25 and other specialized rescue emergencies and that is primarily
26 designated for emergency response to technical rescue events.

27 (Source: P.A. 92-73, eff. 1-1-02; 93-249, eff. 7-22-03.)

28 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

29 Sec. 5. Illinois Emergency Management Agency.

30 (a) There is created within the executive branch of the
31 State Government an Illinois Emergency Management Agency and a
32 Director of the Illinois Emergency Management Agency, herein
33 called the "Director" who shall be the head thereof. The

1 Director shall be appointed by the Governor, with the advice
2 and consent of the Senate, and shall serve for a term of 2
3 years beginning on the third Monday in January of the
4 odd-numbered year, and until a successor is appointed and has
5 qualified; except that the term of the first Director appointed
6 under this Act shall expire on the third Monday in January,
7 1989. The Director shall not hold any other remunerative public
8 office. The Director shall receive an annual salary as set by
9 the Governor from time to time or the amount set by the
10 Compensation Review Board, whichever is higher. If set by the
11 Governor, the Director's annual salary may not exceed 85% of
12 the Governor's annual salary.

13 (b) The Illinois Emergency Management Agency shall obtain,
14 under the provisions of the Personnel Code, technical,
15 clerical, stenographic and other administrative personnel, and
16 may make expenditures within the appropriation therefor as may
17 be necessary to carry out the purpose of this Act. The agency
18 created by this Act is intended to be a successor to the agency
19 created under the Illinois Emergency Services and Disaster
20 Agency Act of 1975 and the personnel, equipment, records, and
21 appropriations of that agency are transferred to the successor
22 agency as of the effective date of this Act.

23 (c) The Director, subject to the direction and control of
24 the Governor, shall be the executive head of the Illinois
25 Emergency Management Agency and the State Emergency Response
26 Commission and shall be responsible under the direction of the
27 Governor, for carrying out the program for emergency management
28 of this State. The Director shall also maintain liaison and
29 cooperate with the emergency management organizations of this
30 State and other states and of the federal government.

31 (d) The Illinois Emergency Management Agency shall take an
32 integral part in the development and revision of political
33 subdivision emergency operations plans prepared under
34 paragraph (f) of Section 10. To this end it shall employ or

1 otherwise secure the services of professional and technical
2 personnel capable of providing expert assistance to the
3 emergency services and disaster agencies. These personnel
4 shall consult with emergency services and disaster agencies on
5 a regular basis and shall make field examinations of the areas,
6 circumstances, and conditions that particular political
7 subdivision emergency operations plans are intended to apply.

8 (e) The Illinois Emergency Management Agency and political
9 subdivisions shall be encouraged to form an emergency
10 management advisory committee composed of private and public
11 personnel representing the emergency management phases of
12 mitigation, preparedness, response, and recovery. The Local
13 Emergency Planning Committee, as created under the Illinois
14 Emergency Planning and Community Right to Know Act, shall serve
15 as an advisory committee to the emergency services and disaster
16 agency or agencies serving within the boundaries of that Local
17 Emergency Planning Committee planning district for:

18 (1) the development of emergency operations plan
19 provisions for hazardous chemical emergencies; and

20 (2) the assessment of emergency response capabilities
21 related to hazardous chemical emergencies.

22 (f) The Illinois Emergency Management Agency shall:

23 (1) Coordinate the overall emergency management
24 program of the State.

25 (2) Cooperate with local governments, the federal
26 government and any public or private agency or entity in
27 achieving any purpose of this Act and in implementing
28 emergency management programs for mitigation,
29 preparedness, response, and recovery.

30 (2.5) Develop a ~~Cooperate with the Department of~~
31 ~~Nuclear Safety in development of the~~ comprehensive
32 emergency preparedness and response plan for any nuclear
33 accident in accordance with Section 65 ~~2005-65~~ of the
34 Department of Nuclear Safety Law of 2004 (20 ILCS 3310) ~~the~~

1 ~~Civil Administrative Code of Illinois~~ and in development of
2 the Illinois Nuclear Safety Preparedness program in
3 accordance with Section 8 of the Illinois Nuclear Safety
4 Preparedness Act.

5 (2.6) Coordinate with the Department of Public Health
6 with respect to planning for and responding to public
7 health emergencies.

8 (3) Prepare, for issuance by the Governor, executive
9 orders, proclamations, and regulations as necessary or
10 appropriate in coping with disasters.

11 (4) Promulgate rules and requirements for political
12 subdivision emergency operations plans that are not
13 inconsistent with and are at least as stringent as
14 applicable federal laws and regulations.

15 (5) Review and approve, in accordance with Illinois
16 Emergency Management Agency rules, emergency operations
17 plans for those political subdivisions required to have an
18 emergency services and disaster agency pursuant to this
19 Act.

20 (5.5) Promulgate rules and requirements for the
21 political subdivision emergency management exercises,
22 including, but not limited to, exercises of the emergency
23 operations plans.

24 (5.10) Review, evaluate, and approve, in accordance
25 with Illinois Emergency Management Agency rules, political
26 subdivision emergency management exercises for those
27 political subdivisions required to have an emergency
28 services and disaster agency pursuant to this Act.

29 (6) Determine requirements of the State and its
30 political subdivisions for food, clothing, and other
31 necessities in event of a disaster.

32 (7) Establish a register of persons with types of
33 emergency management training and skills in mitigation,
34 preparedness, response, and recovery.

1 (8) Establish a register of government and private
2 response resources available for use in a disaster.

3 (9) Expand the Earthquake Awareness Program and its
4 efforts to distribute earthquake preparedness materials to
5 schools, political subdivisions, community groups, civic
6 organizations, and the media. Emphasis will be placed on
7 those areas of the State most at risk from an earthquake.
8 Maintain the list of all school districts, hospitals,
9 airports, power plants, including nuclear power plants,
10 lakes, dams, emergency response facilities of all types,
11 and all other major public or private structures which are
12 at the greatest risk of damage from earthquakes under
13 circumstances where the damage would cause subsequent harm
14 to the surrounding communities and residents.

15 (10) Disseminate all information, completely and
16 without delay, on water levels for rivers and streams and
17 any other data pertaining to potential flooding supplied by
18 the Division of Water Resources within the Department of
19 Natural Resources to all political subdivisions to the
20 maximum extent possible.

21 (11) Develop agreements, if feasible, with medical
22 supply and equipment firms to supply resources as are
23 necessary to respond to an earthquake or any other disaster
24 as defined in this Act. These resources will be made
25 available upon notifying the vendor of the disaster.
26 Payment for the resources will be in accordance with
27 Section 7 of this Act. The Illinois Department of Public
28 Health shall determine which resources will be required and
29 requested.

30 (11.5) In coordination with the Department of State
31 Police, develop and implement a community outreach program
32 to promote awareness among the State's parents and children
33 of child abduction prevention and response.

34 (12) Out of funds appropriated for these purposes,

1 award capital and non-capital grants to Illinois hospitals
2 or health care facilities located outside of a city with a
3 population in excess of 1,000,000 to be used for purposes
4 that include, but are not limited to, preparing to respond
5 to mass casualties and disasters, maintaining and
6 improving patient safety and quality of care, and
7 protecting the confidentiality of patient information. No
8 single grant for a capital expenditure shall exceed
9 \$300,000. No single grant for a non-capital expenditure
10 shall exceed \$100,000. In awarding such grants, preference
11 shall be given to hospitals that serve a significant number
12 of Medicaid recipients, but do not qualify for
13 disproportionate share hospital adjustment payments under
14 the Illinois Public Aid Code. To receive such a grant, a
15 hospital or health care facility must provide funding of at
16 least 50% of the cost of the project for which the grant is
17 being requested. In awarding such grants the Illinois
18 Emergency Management Agency shall consider the
19 recommendations of the Illinois Hospital Association.

20 (13) Do all other things necessary, incidental or
21 appropriate for the implementation of this Act.

22 (Source: P.A. 92-73, eff. 1-1-02; 92-597, eff. 6-28-02; 93-249,
23 eff. 7-22-03; 93-310, eff. 7-23-03; revised 9-11-03.)

24 Section 10. The Counties Code is amended by adding Section
25 5-1127 as follows:

26 (55 ILCS 5/5-1127 new)

27 Sec. 5-1127. HazMat and technical rescue teams.

28 (a) The county board of any county may, by ordinance,
29 authorize a HazMat team to provide emergency response to
30 chemical and biological terrorism, radiological emergencies,
31 hazardous material spills, releases, or fires, or other
32 contamination events. The county board may make reasonable

1 appropriations from the county treasury to fund and encourage
2 the formation and operation of a Hazmat team. The ordinance may
3 provide for benefits to be paid by the county if a team member
4 suffers disease, injury, or death in the line of duty. A HazMat
5 team authorized under this subsection may be a not-for-profit
6 organization exempt from federal income taxes under Section
7 501(c)(3) of the Internal Revenue Code.

8 (b) The county board of any county may, by ordinance,
9 authorize a technical rescue team to provide emergency response
10 to building collapse, high angle rescue, and other technical
11 and specialized rescue emergencies. The county board may make
12 reasonable appropriations from the county treasury to fund and
13 encourage the formation and operation of a technical rescue
14 team. The ordinance may provide for benefits to be paid by the
15 county if a team member suffers disease, injury, or death in
16 the line of duty. A technical rescue team authorized under this
17 subsection may be a not-for-profit organization exempt from
18 federal income taxes under Section 501(c)(3) of the Internal
19 Revenue Code.

20 Section 15. The Illinois Vehicle Code is amended by
21 changing Sections 1-105 and 6-500 as follows:

22 (625 ILCS 5/1-105) (from Ch. 95 1/2, par. 1-105)

23 Sec. 1-105. Authorized emergency vehicle. Emergency
24 vehicles of municipal departments or public service
25 corporations as are designated or authorized by proper local
26 authorities; police vehicles; vehicles of the fire department;
27 vehicles of a HazMat or technical rescue team authorized by a
28 county board under Section 5-1127 of the Counties Code;
29 ambulances; vehicles of the Illinois Emergency Management
30 Agency; and vehicles of the Illinois Department of Public
31 Health. ~~and vehicles of the Department of Nuclear Safety.~~

32 (Source: P.A. 92-138, eff. 7-24-01; 93-829, eff. 7-28-04.)

1 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)
2 Sec. 6-500. Definitions of words and phrases.
3 Notwithstanding the definitions set forth elsewhere in this
4 Code, for purposes of the Uniform Commercial Driver's License
5 Act (UCDLA), the words and phrases listed below have the
6 meanings ascribed to them as follows:

7 (1) Alcohol. "Alcohol" means any substance containing any
8 form of alcohol, including but not limited to ethanol,
9 methanol, propanol, and isopropanol.

10 (2) Alcohol concentration. "Alcohol concentration" means:

11 (A) the number of grams of alcohol per 210 liters of
12 breath; or

13 (B) the number of grams of alcohol per 100 milliliters
14 of blood; or

15 (C) the number of grams of alcohol per 67 milliliters
16 of urine.

17 Alcohol tests administered within 2 hours of the driver
18 being "stopped or detained" shall be considered that driver's
19 "alcohol concentration" for the purposes of enforcing this
20 UCDLA.

21 (3) (Blank).

22 (4) (Blank).

23 (5) (Blank).

24 (6) Commercial Motor Vehicle.

25 (A) "Commercial motor vehicle" means a motor vehicle,
26 except those referred to in subdivision (B), designed to
27 transport passengers or property if:

28 (i) the vehicle has a GVWR of 26,001 pounds or more
29 or such a lesser GVWR as subsequently determined by
30 federal regulations or the Secretary of State; or any
31 combination of vehicles with a GCWR of 26,001 pounds or
32 more, provided the GVWR of any vehicle or vehicles
33 being towed is 10,001 pounds or more; or

1 (ii) the vehicle is designed to transport 16 or
2 more persons; or

3 (iii) the vehicle is transporting hazardous
4 materials and is required to be placarded in accordance
5 with 49 C.F.R. Part 172, subpart F.

6 (B) Pursuant to the interpretation of the Commercial
7 Motor Vehicle Safety Act of 1986 by the Federal Highway
8 Administration, the definition of "commercial motor
9 vehicle" does not include:

10 (i) recreational vehicles, when operated primarily
11 for personal use;

12 (ii) United States Department of Defense vehicles
13 being operated by non-civilian personnel. This
14 includes any operator on active military duty; members
15 of the Reserves; National Guard; personnel on
16 part-time training; and National Guard military
17 technicians (civilians who are required to wear
18 military uniforms and are subject to the Code of
19 Military Justice); or

20 (iii) firefighting and other emergency equipment
21 (including, without limitation, equipment owned or
22 operated by a HazMat or technical rescue team
23 authorized by a county board under Section 5-1127 of
24 the Counties Code), with audible and visual signals,
25 owned or operated by or for a governmental entity,
26 which is necessary to the preservation of life or
27 property or the execution of emergency governmental
28 functions which are normally not subject to general
29 traffic rules and regulations.

30 (7) Controlled Substance. "Controlled substance" shall
31 have the same meaning as defined in Section 102 of the Illinois
32 Controlled Substances Act, and shall also include cannabis as
33 defined in Section 3 of the Cannabis Control Act.

34 (8) Conviction. "Conviction" means an unvacated

1 adjudication of guilt or a determination that a person has
2 violated or failed to comply with the law in a court of
3 original jurisdiction or an authorized administrative
4 tribunal; an unvacated forfeiture of bail or collateral
5 deposited to secure the person's appearance in court; the
6 payment of a fine or court cost regardless of whether the
7 imposition of sentence is deferred and ultimately a judgment
8 dismissing the underlying charge is entered; or a violation of
9 a condition of release without bail, regardless of whether or
10 not the penalty is rebated, suspended or probated.

11 (9) (Blank).

12 (10) (Blank).

13 (11) (Blank).

14 (12) (Blank).

15 (13) Driver. "Driver" means any person who drives,
16 operates, or is in physical control of a commercial motor
17 vehicle, or who is required to hold a CDL.

18 (14) Employee. "Employee" means a person who is employed as
19 a commercial motor vehicle driver. A person who is
20 self-employed as a commercial motor vehicle driver must comply
21 with the requirements of this UCCLA pertaining to employees. An
22 owner-operator on a long-term lease shall be considered an
23 employee.

24 (15) Employer. "Employer" means a person (including the
25 United States, a State or a local authority) who owns or leases
26 a commercial motor vehicle or assigns employees to operate such
27 a vehicle. A person who is self-employed as a commercial motor
28 vehicle driver must comply with the requirements of this UCCLA.

29 (16) (Blank).

30 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
31 sovereign jurisdiction that does not fall within the definition
32 of "State".

33 (18) (Blank).

34 (19) (Blank).

1 (20) Hazardous Material. Upon a finding by the United
2 States Secretary of Transportation, in his or her discretion,
3 under 49 App. U.S.C. 5103(a), that the transportation of a
4 particular quantity and form of material in commerce may pose
5 an unreasonable risk to health and safety or property, he or
6 she shall designate the quantity and form of material or group
7 or class of the materials as a hazardous material. The
8 materials so designated may include but are not limited to
9 explosives, radioactive materials, etiologic agents, flammable
10 liquids or solids, combustible liquids or solids, poisons,
11 oxidizing or corrosive materials, and compressed gases.

12 (21) Long-term lease. "Long-term lease" means a lease of a
13 commercial motor vehicle by the owner-lessor to a lessee, for a
14 period of more than 29 days.

15 (22) Motor Vehicle. "Motor vehicle" means every vehicle
16 which is self-propelled, and every vehicle which is propelled
17 by electric power obtained from over head trolley wires but not
18 operated upon rails, except vehicles moved solely by human
19 power and motorized wheel chairs.

20 (23) Non-resident CDL. "Non-resident CDL" means a
21 commercial driver's license issued by a state to an individual
22 who is domiciled in a foreign jurisdiction.

23 (24) (Blank).

24 (25) (Blank).

25 (25.5) Railroad-Highway Grade Crossing Violation.
26 "Railroad-highway grade crossing violation" means a violation,
27 while operating a commercial motor vehicle, of any of the
28 following:

29 (A) Section 11-1201, 11-1202, or 11-1425 of this
30 Code.

31 (B) ~~(C) (D) (E) (F) (G) (H)~~ Any other similar law
32 or local ordinance of any state relating to
33 railroad-highway grade crossing. ~~(A) (G)~~

34 (26) Serious Traffic Violation. "Serious traffic

1 violation" means:

2 (A) a conviction when operating a commercial motor
3 vehicle of:

4 (i) a violation relating to excessive speeding,
5 involving a single speeding charge of 15 miles per hour
6 or more above the legal speed limit; or

7 (ii) a violation relating to reckless driving; or

8 (iii) a violation of any State law or local
9 ordinance relating to motor vehicle traffic control
10 (other than parking violations) arising in connection
11 with a fatal traffic accident; or

12 (iv) a violation of Section 6-501, relating to
13 having multiple driver's licenses; or

14 (v) a violation of paragraph (a) of Section 6-507,
15 relating to the requirement to have a valid CDL; or

16 (vi) a violation relating to improper or erratic
17 traffic lane changes; or

18 (vii) a violation relating to following another
19 vehicle too closely; or

20 (B) any other similar violation of a law or local
21 ordinance of any state relating to motor vehicle traffic
22 control, other than a parking violation, which the
23 Secretary of State determines by administrative rule to be
24 serious.

25 (27) State. "State" means a state of the United States, the
26 District of Columbia and any province or territory of Canada.

27 (28) (Blank).

28 (29) (Blank).

29 (30) (Blank).

30 (31) (Blank).

31 (Source: P.A. 92-249, eff. 1-1-02; 92-651, eff. 7-11-02;
32 92-834, eff. 8-22-02; revised 8-26-02.)".